

JS 44 (Rev. 06/17)

GAM GAM CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS

2019-1 PM 5:12
Lillian Brenner(b) County of Residence of First Listed Plaintiff Philadelphia County, PA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Jeffrey M Rosenbaum, Esquire, Rosenbaum & Associates, P C ,
1818 Market Street, Suite 3200, Philadelphia, PA 19103

DEFENDANTS

19 939

Starwood Hotels & Resorts Worldwide, LLC, et al

County of Residence of First Listed Defendant Fairfield County, CT
*(IN U.S. PLAINTIFF CASES ONLY)*NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVEDAttorneys *If Known*
Elizabeth A Chalik, Esquire, Wood Smith Henning & Berman, LLP
1760 Market Street, Suite 1001, Philadelphia, PA 19103
215-709-2250

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question
<i>(U.S. Government Not a Party)</i> |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity
<i>(Indicate Citizenship of Parties in Item III)</i> |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	PTF	DEF
<input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business in This State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> 6	<input type="checkbox"/>

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical	PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libe! & Slander	<input type="checkbox"/> Personal Injury	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> Product Liability	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	LABOR	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 390 Other Labor Litigation	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> Habeas Corpus.	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DWW (405(g))	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer w/Disabilities Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer w/Disabilities Other	<input type="checkbox"/> Other	FEDERAL TAX SUITS	
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
		<input type="checkbox"/> 550 Civl: Rights	<input type="checkbox"/> 871 IRS- Third Party 26 USC 7609	
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civl: Detainee - Conditions of Confinement		
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|--|--|--|---|--|--|---|
| <input type="checkbox"/> 1 Original Proceeding | <input checked="" type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|--|--|--|---|--|--|---|

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)
Title 28 United States Code Section 1332Brief description of cause
Premises Liability

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.C.P.DEMAND \$ 1CHECK YES only if demanded in complaint
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See Instructions)

JUDGE

DOCKET NUMBER

MAR 1 2019

DATE
3/1/19
FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

E. Lee

RECEIPT # _____ AMOUNT _____

APPLYING IFF

JUDGE

MAG JUDGE

MAR 1 2019

GAM

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19

939

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 1545 Spring Garden Street, Apt. 3, Philadelphia, PA 19130

Address of Defendant: One StarPoint, Stamford, Ct 06902

Place of Accident, Incident or Transaction: 4301 Island Avenue, Philadelphia, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes No

I certify that, to my knowledge, the within case is is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 03/01/2019



88157

Attorney-at-Law / Pro Se Plaintiff

Attorney ID # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1 Indemnity Contract, Marine Contract, and All Other Contracts
 2 FELA
 3 Jones Act-Personal Injury
 4 Antitrust
 5 Patent
 6 Labor-Management Relations
 7 Civil Rights
 8 Habeas Corpus
 9 Securities Act(s) Cases
 10 Social Security Review Cases
 11 All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

- 1 Insurance Contract and Other Contracts
 2 Airplane Personal Injury
 3 Assault, Defamation
 4 Marine Personal Injury
 5 Motor Vehicle Personal Injury
 6 Other Personal Injury (Please specify)
 7 Products Liability
 8 Products Liability - Asbestos
 9 All other Diversity Cases
(Please specify) _____

ARBITRATION CERTIFICATION
(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs
- Relief other than monetary damages is sought

DATE: _____

Attorney-at-Law / Pro Se Plaintiff

MAR - 1 2019

Attorney ID # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

GAM

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Lillian Brenner
1545 Spring Garden Street, Apt 3
Philadelphia, PA 19130

v.

Aloft Philadelphia Airport, Starwood Hotels & Resorts
Worldwide, Inc., Starwood Hotels & Resorts, Marriot
International, Inc., et al

CIVIL ACTION
19 939

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

March 1, 2019

E. Chalik

Defendants, Starwood Hotels & Resorts

Date

Attorney-at-law

Attorney for

215-709-2250

215-709-2251

echalik@wshblaw.com

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

MAR - 1 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LILLIAN BRENNER	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO.
ALOFT PHILADELPHIA AIRPORT,	:	
STARWOOD HOTELS & RESORTS	:	
WORLDWIDE, INC., STARWOOD HOTELS	:	
& RESORTS, LVP AP AIRPORT, LLC,	:	
LIGHTSTONE GROUP, MARRIOT	:	
INTERNATIONAL, INC., and LIGHTSTONE	:	
PARENT, LLC.	:	
Defendants.	:	

**NOTICE OF FILING NOTICE OF REMOVAL
TO THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

TO: Jeffrey M. Rosenbaum, Esquire
Rosenbaum & Associates, P.C.
1818 Market Street, Suite 3200
Philadelphia, PA 19103

PLEASE TAKE NOTICE that Marriot International, Inc., Starwood Hotels & Resorts Worldwide, LLC, incorrectly named as Starwood Hotels & Resorts Worldwide, Inc. and Starwood Hotels & Resorts in the matter of Lillian Brenner v. Aloft Philadelphia Airport, Starwood Hotels & Resorts Worldwide, Inc., Starwood Hotels & Resorts, LVP AP Airport, LLC, Lightstone Group, Marriot International, Inc., and Lightstone Parent, LLC, originally pending in the Court of Common Pleas in the County of Philadelphia, Pennsylvania, under Civil Action No. 190101863, files in the United States District Court for the Eastern District of

Pennsylvania, its Notice of Removal of said cause to the Eastern District of Pennsylvania.

A copy of the Notice of Removal is attached hereto and served herewith.

WOOD SMITH HENNING & BERMAN, LLP

By:



Elizabeth A. Chalik, Esquire

Attorney for Defendants

Marriot International, Inc., Starwood Hotels & Resorts Worldwide, LLC, incorrectly named as Starwood Hotels & Resorts Worldwide, Inc., and Starwood Hotels & Resorts

Dated: March 1, 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LILLIAN BRENNER	:	
Plaintiff,	:	CIVIL ACTION
v.	:	NO.
ALOFT PHILADELPHIA AIRPORT,	:	
STARWOOD HOTELS & RESORTS	:	
WORLDWIDE, INC., STARWOOD HOTELS	:	
& RESORTS, LVP AP AIRPORT, LLC,	:	
LIGHTSTONE GROUP, MARRIOT	:	
INTERNATIONAL, INC., and LIGHTSTONE	:	
PARENT, LLC.	:	
Defendants.	:	

NOTICE OF REMOVAL

AND NOW, Defendants, Marriot International, Inc., Starwood Hotels & Resorts Worldwide, LLC, incorrectly named as Starwood Hotels & Resorts Worldwide, Inc. and Starwood Hotels & Resorts, by and through their attorneys, WOOD, SMITH, HENNING & BERMAN, LLP, hereby remove the above-captioned case to this Honorable Court and provide notice of same to counsel representing the Plaintiffs. In support of the removal, the Defendants aver as follows:

1. This is an action filed and now pending in the Philadelphia County Court of Common Pleas under Civil Action No. 190101863.
2. This action was initiated by Complaint which was filed on or around January 22, 2019. A copy of Plaintiff's Complaint is attached hereto as Exhibit "A."

3. This Notice of Removal is being filed within thirty (30) days after receipt by the Defendants of the initial pleading setting forth in the claim for relief upon which this action is based in accordance with 28 U.S.C. §1446(b).

4. This is a civil suit and involves controversy between citizens of different states. Plaintiff, upon information and belief, was at the time of the commencement of the above action, a citizen of the Commonwealth of Pennsylvania.

5. Defendant, Marriott International, Inc., is a Delaware corporation with its headquarters located at 10400 Fernwood Road, Dept 52/923.21, Bethesda, MD 20817.

6. Starwood Hotels & Resorts Worldwide, LLC, incorrectly named as Starwood Hotels & Resorts Worldwide, Inc., is a Limited Liability Company with corporate offices in Stamford, CT. Starwood Hotels & Resorts Worldwide, Inc. is a Maryland corporation.

7. Aloft Philadelphia Airport is not a properly named legal entity.

8. LVP AP Airport, LLC is a Delaware Limited Liability Company and headquartered in Lakewood, NJ.

9. Likewise, Lightstone Group and Lightstone Parent, LLC are also Delaware companies and headquartered in Lakewood, NJ.

10. LVP AP Airport, LLC is the only proper defendant in this matter.

11. Defense counsel will ultimately be representing all of the named Defendants and has obtained the consent of all Defendants to remove this matter to this Honorable Court.

12. As averred in Plaintiff's Complaint, the damages claimed by Plaintiff are in excess of \$50,000.

13. Defendants allege and aver, upon information and belief, that the amount in controversy is in excess of \$75,000.00, exclusive of interests and costs, based on the fact that

Plaintiff's Complaint alleges that Plaintiff sustained serious physical injury of her back and knees. Plaintiff claims that she has suffered and may continue to suffer in the future. Plaintiff's Complaint also claims that Plaintiff "may have sustained other injuries and pre-existing conditions may have been aggravated."

14. Further, defense counsel spoke with Plaintiff's counsel on February 28, 2019 who advised that he did not believe that the amount in controversy in this case was less than \$75,000.

15. The above-described Civil Action is one in which this Honorable Court has original jurisdiction pursuant to Title 28 United States Code Section 1332 based upon the fact that there exists diversity of citizenship between the parties and the amount in controversy is in excess of \$75,000.00, exclusive of interests and costs, and is accordingly one which may be removed to this Honorable Court by Notice pursuant to Title 28, United States Code, Section 1441.

16. Promptly after filing this Notice of Removal in this Honorable Court, a copy of this Notice of Removal will be filed with the Court of Common Pleas of Philadelphia County, Commonwealth of Pennsylvania, in accordance with 28 United States Code, Section 1446(d).

17. Copies of all process, pleadings and order served upon defendants as of the time of this removal are attached hereto in accordance with 28 United States Code, Section 1446(a).

18. Defendants have contemporaneously with the filing of this Notice of Removal giving written notice to Plaintiff's counsel.

WHEREFORE, Defendants respectfully request that this action, currently docketed in the Court of Common Pleas of Philadelphia County be removed to the United States District Court for the Eastern District of Pennsylvania.

WOOD SMITH HENNING & BERMAN, LLP

By: _____

Elizabeth A. Chalik, Esquire

Attorney for Defendants

Marriot International, Inc., Starwood Hotels & Resorts Worldwide, LLC, incorrectly named as Starwood Hotels & Resorts Worldwide, Inc. and Starwood Hotels & Resorts

Dated: March 1, 2019

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LILLIAN BRENNER	:	
Plaintiff,	:	
v.	:	CIVIL ACTION
	:	NO.
ALOFT PHILADELPHIA AIRPORT,	:	
STARWOOD HOTELS & RESORTS	:	
WORLDWIDE, INC., STARWOOD HOTELS	:	
& RESORTS, LVP AP AIRPORT, LLC,	:	
LIGHTSTONE GROUP, MARRIOT	:	
INTERNATIONAL, INC., and LIGHTSTONE	:	
PARENT, LLC.	:	
Defendants.	:	

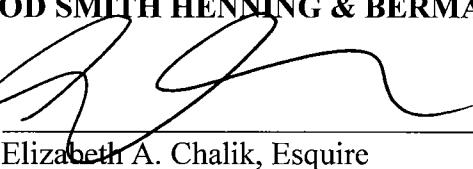
CERTIFICATE OF SERVICE

I, Elizabeth A. Chalik, Esquire, hereby certify that on this 1st day of March, 2019, a true and correct copy of the Defendants' Notice to Remove was served on the following counsel of record via first class mail, postage prepaid.

Jeffrey M. Rosenbaum, Esquire
Rosenbaum & Associates, P.C.
1818 Market Street, Suite 3200
Philadelphia, PA 19103
Attorney for Plaintiff

WOOD SMITH HENNING & BERMAN, LLP

By:


Elizabeth A. Chalik, Esquire
Attorney for Defendants
Marriot International, Inc., Starwood Hotels & Resorts Worldwide, LLC, incorrectly named as Starwood Hotels & Resorts Worldwide, Inc. and Starwood Hotels & Resorts

Dated: March 1, 2019

COMMONWEALTH OF PENNSYLVANIA

SS

COUNTY OF PHILADELPHIA

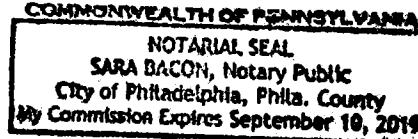
AFFIDAVIT

Elizabeth A. Chalik, Esquire, being duly sworn according to law deposes and says that the facts set forth in the foregoing Notice of Removal are true and correct to the best of her knowledge, information and belief.



Elizabeth A. Chalik, Esquire

Sworn to and subscribed
before me this 1st day of
March , 2019.



Sara Bacon
Notary Public
My Commission Expires:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LILLIAN BRENNER	:	
Plaintiff,	:	
v.	:	CIVIL ACTION
	:	NO.
ALOFT PHILADELPHIA AIRPORT, STARWOOD HOTELS & RESORTS WORLDWIDE, INC., STARWOOD HOTELS & RESORTS, LVP AP AIRPORT, LLC, LIGHTSTONE GROUP, MARRIOT INTERNATIONAL, INC., and LIGHTSTONE PARENT, LLC.	:	
Defendants.	:	

PRAECIPE TO FILE NOTICE OF REMOVAL

TO THE PROTHONOTARY:

Please take notice that the above-captioned matter has been removed by Defendants to the United States District Court for the Eastern District of Pennsylvania. A time-stamped copy of the Notice of Removal is attached hereto.

WOOD SMITH HENNING & BERMAN, LLP

By:



Elizabeth A. Chalik, Esquire

Attorney for Defendants

Marriot International, Inc., Starwood Hotels & Resorts Worldwide, LLC, incorrectly named as Starwood Hotels & Resorts Worldwide, Inc. and Starwood Hotels & Resorts

Dated: March 1, 2019

EXHIBIT "A"

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)
JANUARY 2019
SUITE NUMBER 1901047703
004-2019

PLAINTIFF'S NAME LILLIAN BRENNER		DEFENDANT'S NAME ALOFT PHILADELPHIA AIRPORT
PLAINTIFF'S ADDRESS 1545 SPRING GARDEN STREET APT. 3 PHILADELPHIA PA 19130		DEFENDANT'S ADDRESS 4301 ISLAND AVENUE PHILADELPHIA PA 19153
PLAINTIFF'S NAME		DEFENDANT'S NAME STARWOOD HOTELS & RESORTS WORLDWIDE, INC.
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 1111 WEST CHESTER AVENUE WHITE PLAINS NY 10604
PLAINTIFF'S NAME		DEFENDANT'S NAME STARWOOD HOTELS & RESORTS
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS ONE STARPOINT STANFORD CT 06902
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 7	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Jury <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Other:	<input type="checkbox"/> Mass Tort <input type="checkbox"/> Savings Action <input type="checkbox"/> Petition <input type="checkbox"/> Commerce <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> Settlement <input type="checkbox"/> Minors <input type="checkbox"/> W/D/Survival
CASE TYPE AND CODE 2S - PREMISES LIABILITY / SLIP / FALL		
STATUTORY BASIS FOR CAUSE OF ACTION		
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PROTHONOTARY JAN 22 2019 M. BRYANT
IS CASE SUBJECT TO COORDINATION ORDER? YES NO		
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>LILLIAN BRENNER</u> Papers may be served at the address set forth below.		
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY JEFFREY M. ROSENBAUM		ADDRESS 1818 MARKET STREET SUITE 3200 PHILADELPHIA PA 19103
PHONE NUMBER (215) 569-0200	FAX NUMBER (215) 569-6099	E-MAIL ADDRESS rosenbaumfilings@verizon.net
SUPREME COURT IDENTIFICATION NO. 51719		DATE SUBMITTED Tuesday, January 22, 2019, 12:22 pm
SIGNATURE OF FILING ATTORNEY OR PARTY JEFFREY ROSENBAUM		

COMPLETE LIST OF DEFENDANTS:

1. ALOFT PHILADELPHIA AIRPORT
4301 ISLAND AVENUE
PHILADELPHIA PA 19153
2. STARWOOD HOTELS & RESORTS WORLDWIDE, INC.
1111 WEST CHESTER AVENUE
WHITE PLAINS NY 10604
3. STARWOOD HOTELS & RESORTS
ONE STARPOINT
STANFORD CT 06902
4. LVP AP AIRPORT, LLC
C/O LIGHTSTONE GROUP 460 PARK AVENUE, 13TH FLOOR
NEW YORK NY 10022
5. LIGHTSTONE GROUP
460 PARK AVENUE 13TH FLOOR
NEW YORK NY 10022
6. MARRIOTT INTERNATIONAL, INC.
10400 FERNWOOD ROAD DEPT. 52/923.21
BETHESDA MD 20817
7. LIGHTSTONE PARENT, LLC
460 PARK AVENUE 13TH FLOOR
NEW YORK NY 10022

ROSENBAUM & ASSOCIATES, P.C.
By: JEFFREY M. ROSENBAUM, ESQ. - ID #51719
1818 Market Street, Suite 3200
Philadelphia, PA 19103
(215) 569-0200

MAJOR NON-JURY
Hearing on Assessment
of Damages is Required
*Filed and Attested by the
Office of the Clerk
22 MAR 2019 PM*

Attorney for Plaintiff

LILLIAN BRENNER	: PHILADELPHIA COUNTY
1545 Spring Garden St., Apt. 3, Phila., PA 19130	: COURT OF COMMON PLEAS
vs.	:
ALOFT PHILADELPHIA AIRPORT	:
4301 Island Ave., Phila., PA 19153	:
and	:
STARWOOD HOTELS & RESORTS	:
WORLDWIDE, INC.	:
1111 West Chester Ave., White Plains, NY 10604	:
and	:
STARWOOD HOTELS & RESORTS.	:
One StarPoint, Stamford, CT 06902	:
and	:
LVP AP AIRPORT, LLC	:
c/o Lightstone Group	:
460 Park Ave., 13th Floor, New York, NY 10022	:
and	:
LIGHSTONE GROUP	:
460 Park Ave., 13th Floor, New York, NY 10022	:
and	:
MARRIOTT INTERNATIONAL, INC.	:
10400 Fernwood Road, Dept S2/923.21	:
Bethesda, MD 20817	:
and	:
LIGHTSTONE PARENT, LLC	:
460 Park Ave., 13th Floor, New York, NY 10022	: NO.

TERM, 2019

28 Premises Liability - Complaint in Civil Action

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL & INFORMATION SERVICE, Philadelphia Bar Assn.
One Reading Center, Northwest Cor. 11th & Market Sts.
Philadelphia, Pennsylvania 19107, Phone:(215) 238-1701

AVISO

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE VIENTE (20) DIAS DE PLAZO AL PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. HACE FALTA ASENTAR UNA COMPARECENCIA ESCRITA O EN PERSONA O CON UN ABOGADO Y ENTREGAR A LA CORTE EN FORMA ESCRITA SUS DEFENSAS O SUS OBJECCIONES A LAS DEMANDAS EN CONTRA DE SU PERSONA. SEA AVISADO QUE SI USTED NO SE DEFIENDE, LA CORTE TOMARA MEDIDAS Y PUEDE CONTINUAR LA DEMANDA EN CONTRA SUYA SIN PREVIO AVISO O NOTIFICACION. ADEMÁS, LA CORTE PUEDE DECIDIR A FAVOR DEL DEMANDANTE Y REQUIERE QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. USTED PUEDE PERDER DINERO O SUS PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED. LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN

PERSONA Ó LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR
DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.
SERVICIO DE REFERENCIA E INFORMACIÓN LEGAL, Asociacion De Licenciadlos De Filadelfia, One Reading Center, Noreste Usquina
11th Y La Calle Market, Filadelfia, PA 19107 Telefono: (215) 238-1701.

ROSENBAUM & ASSOCIATES, P.C.
By: JEFFREY M. ROSENBAUM, ESQ. - ID #51719
1818 Market Street, Suite 3200
Philadelphia, PA 19103
(215) 569-0200

MAJOR NON-JURY
Hearing on Assessment
of Damages is Required

Attorney for Plaintiff

LILLIAN BRENNER	:	PHILADELPHIA COUNTY
1545 Spring Garden St., Apt. 3, Phila., PA 19130	:	COURT OF COMMON PLEAS
vs.	:	
ALOFT PHILADELPHIA AIRPORT	:	
4301 Island Ave., Phila., PA 19153	:	
and	:	
STARWOOD HOTELS & RESORTS	:	
WORLDWIDE, INC.	:	
1111 West Chester Ave., White Plains, NY 10604	:	
and	:	TERM, 2019
STARWOOD HOTELS & RESORTS	:	
One StarPoint, Stamford, CT 06902	:	
and	:	
LVP AP AIRPORT, LLC	:	
c/o Lightstone Group	:	
460 Park Ave., 13th Floor, New York, NY 10022	:	
and	:	
LIGHSTONE GROUP	:	
460 Park Ave., 13th Floor, New York, NY 10022	:	
and	:	
MARRIOTT INTERNATIONAL, INC.	:	
10400 Ferriwood Road, Dept 52/923.21	:	
Bethesda, MD 20817	:	
and	:	
LIGHTSTONE PARENT, LLC	:	
460 Park Ave., 13th Floor, New York, NY 10022	:	NO.

2S Premises Liability - Complaint in Civil Action

1. The plaintiff, Lillian Brenner, is an adult individual and a citizen of the Commonwealth of Pennsylvania, residing therein as captioned above.
2. The defendant, Aloft Philadelphia Airport, is a corporation, partnership or fictitious name of an individual or individuals, with a place of business located at the above address.
3. The defendant, Starwood Hotels & Resorts Worldwide, Inc., is a corporation, partnership or fictitious name of an individual or individuals, with a place of business located at the above address.

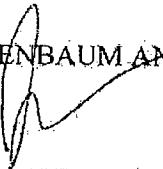
4. The defendant, Starwood Hotels & Resorts, is a corporation, partnership or fictitious name of an individual or individuals, with a place of business located at the above address.
5. The defendant, LVP AP Airport, LLC, is a corporation, partnership or fictitious name of an individual or individuals, with a place of business located at the above address.
6. The defendant, Lightstone Group, is a corporation, partnership or fictitious name of an individual or individuals, with a place of business located at the above address.
7. The defendant, Marriott International, Inc., is a corporation, partnership or fictitious name of an individual or individuals, with a place of business located at the above address.
8. The defendant, Lightstone Parent, LLC, is a corporation, partnership or fictitious name of an individual or individuals, with a place of business located at the above address.
9. All defendants regularly and systematically conduct business in Philadelphia County, Pennsylvania.
10. At all times relevant hereto, the defendants were acting through their agents, servants and/or employees within the course and scope of their employment, and the doctrine of Respondeat Superior is invoked herein.
11. At all times relevant hereto all defendants were acting as the agents, servants, workmen and/or employees of all other named defendants.
12. At all times relevant hereto, defendants had under their care, direction, ownership, supervision, control and maintenance of the premises and floor at Aloft Philadelphia Airport, 4301 Island Avenue, Philadelphia, Pennsylvania, and it was the defendants' duty

- to keep and maintain said premises and floor in a reasonably safe condition.
13. On or about the 12th day of January, 2018, at or about 4:30 p.m., a dangerous, negligent and/or defective condition, existed on the defendants' premises as aforesaid and defendants knew or should have known of the existence of same.
 14. On the aforesaid date, the plaintiff, Lillian Brenner, was lawfully walking inside the premises, when by reason of the negligence of the defendants, the plaintiff was caused to trip, slip, stumble and/or fall by reason of a wet floor on the defendants' premises.
 15. The defendants knew or should have known of the existence of the dangerous, negligent and/or defective condition on the aforesaid premises.
 16. The carelessness and/or negligence of the defendants consisted of the following:
 - a. Failing to maintain said premises and floor in a safe and reasonable condition for persons such as the plaintiff using said premises and floor;
 - b. Failing to reasonably inspect said premises and floor to ascertain the existence of the dangerous, negligent and/or defective condition when defendants knew or should have known of the existence of said condition;
 - c. Failing to warn persons on the premises and floor of the dangerous, negligent and/or defective condition;
 - d. Failing to properly and adequately repair said condition;
 - e. Failing to properly clean said floor;
 - f. Failing to adequately dry mop said floor;
 - g. Causing the floor of the premises to become slippery and wet;
 - h. Negligently allowing said floor to be and to remain slippery and wet;
 - i. Failing to properly supervise persons maintaining defendants' premises;
 - j. Failing to install and/or maintain floors that are adequately slip resistant;

- k. Failing to place mats or take other safety precautions at and/or near the location of the plaintiff's fall; and,
 - l. Failing to respond to requests to remedy said defective condition.
17. Solely because of the negligence of the defendants acting as aforesaid, the plaintiff was caused to sustain serious physical injury in and about the person, including but not limited to plaintiff's back and knees, as well as a severe shock to the nerves and nervous system and was or may have been otherwise injured, whereby plaintiff has suffered and may continue to suffer in the future.
18. Plaintiff may have sustained other injuries and pre-existing conditions may have been aggravated.
19. Plaintiff avers that some or all of the injuries sustained may be or are of a permanent nature and character.
20. As a further result of the aforesaid accident, plaintiff has been unable in the past, and is likely to continue to be unable in the future, to attend to plaintiff's usual duties, activities, vocations and avocations, all to plaintiff's great financial loss and detriment.
21. As a further result of the aforesaid accident and resultant injuries, plaintiff has expended and is in the future likely to expend substantial sums of monies for the care, treatment and attempted cure of plaintiff's injuries, all to plaintiff's great financial loss and detriment.
22. As a further result of the aforesaid accident and resultant injuries, plaintiff has been caused to undergo in the past and is likely to undergo in the future, severe pain, suffering, inconvenience and embarrassment, all to plaintiff's great financial loss and

detiment.

WHEREFORE, plaintiff, Lillian Brenner, demands judgment against the defendants, Aloft Philadelphia Airport, Starwood Hotels & Resorts Worldwide, Inc., Starwood Hotels & Resorts, LVP AP Airport, LLC, Lightstone Group, Marriott International, Inc. and Lightstone Parent, LLC, jointly and severally, in a sum in excess of the arbitration limits and in excess of the Federal Court jurisdictional limits for cases based on diversity jurisdiction.


ROSENBAUM AND ASSOCIATES, P.C.

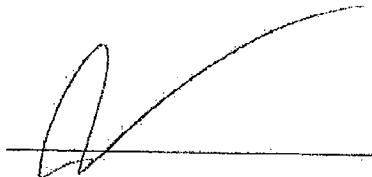
By:

JEFFREY M. ROSENBAUM, ESQ.
Attorney for Plaintiff

DATE: _____

VERIFICATION

Jeffrey M. Rosenbaum, Esquire, states that he is the attorney for the Plaintiffs herein, that he is acquainted with the facts set forth in the foregoing Complaint in Civil Action and that the same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



JEFFREY M. ROSENBAUM, ESQUIRE

DATE: _____